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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/685,702	10/16/2003	Hyun-kwon Chung	1793.1046	6760		
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STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005				THOMAS, JASON M		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/685,702	CHUNG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jason Thomas	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 January 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1 and 3-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1 and 3-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 16 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. 10/685,702.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Response to Amendment***

1. Examiner has acknowledged amendments submitted January 17, 2008.
  - a. Claims 1 and 3-8 have been amended.
  - b. Claim 2 has been cancelled.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, and 3-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Double Patenting***

3. Examiner acknowledges applicant's request to address any provisional obviousness-type double patenting issues once the rejection of the claims 1-12 are resolved.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claim 1 and 9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 15 and 18 respectively of copending Application No. 10/685,701 in view of Nielsen (U.S. Patent No. 5,897,644).

Regarding claim 1: An apparatus used to process audio and/or video data using a markup document which comprises: a) decoding AV data; and b) processing a markup document which includes the steps of 1) obtaining device aspect ratio information, 2) obtaining (transforming) the markup picture according to the device aspect ratio, 4) combining the markup picture and AV picture; 5) displaying (outputting) the interactive picture which includes the AV picture, is an obvious pre-requisite for processing operating instructions encoded on a computer readable medium (see [col. 4, ll. 20–29] for a program product embedded on a computer usable medium).

Regarding claim 9: An apparatus used to process a markup document in an interactive mode which comprises: a) controlling a device to playback (output) video picture from AV data; b) controlling a device to transform a markup document according to device-aspect-ratio information on an aspect ratio of a target display device in the interactive mode is an obvious pre-requisite to

implement the method in a computer system used to process audio video data in an interactive mode (see [col. 3, ll. 29-50] for a method implemented by an apparatus).

5. Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/536,911 in view of Nielsen (U.S. Patent No. 5,897,644).

Regarding claim 1: Claim 1 of copending Application No. 10/536,911 teaches an apparatus for reproducing (outputting) an interactive content an interactive markup document which includes AV data. Information from the markup document is received (determinations are made according to aspect ratio information and resolution information from the markup document). Claim 1 also teaches a pre-process of enlarging or reducing a size of the font according to the determined pixel aspect ratio. Although claim 1 does not explicitly teach “transforming” it would be obvious that one is essentially transforming by enlarging or reducing the size of a font and it is also obvious that the markup document as a whole could be “transformed” in the same manner as the fonts within the markup document (see [figs. 9a-9c], [col. 9, ll. 6-44], [col. 10-11, ll. 57-4]).

6. Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 20 of copending Application No. 10/280,127 in view of Nielsen (U.S. Patent No. 5,897,644).

Regarding claim 1: Claim 20 of copending Application No. 10/280,127 teaches a method of reproducing (displaying) screen display files which realize interactive environments (a markup document) so as to be adjusted (transformed) to various screen sizes comprising: reading a display screen aspect ratio set in a reproducer; and reading a screen display file having the display screen aspect ratio from the storage medium and displaying an interactive screen based on the read screen display file. Claim 1 of the instant application is obvious over claim 20 because claim 1 recites obtaining device-aspect-ratio information (reading a display screen aspect ratio), obtaining and displaying a markup picture and AV picture from data in the display file (displaying an interactive screen based on the read screen display file).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishi (U.S. Patent No. 6,681,395 B1) in view of Nielsen (U.S. Patent No. 5,897,644).

**Regarding amended claim 1:** Nishi discloses an apparatus which processes audio and/or video (AV) data in an interactive mode using a markup document, comprising: an AV playback engine which decodes the AV data to output an AV picture; and an enhanced audio and/or video (ENAV) engine which interprets the markup document to read device-aspect-ratio information included in the markup document and to obtain a source markup picture (see [fig. 1 items 42-44], [col. 4, ll. 17-26], [col. 4, ll. 51-63], [col. 6, ll. 1-24], [col. 8, ll. 31-33] for a playback engine which decodes AV data and the markup document which contains device-aspect-ratio information to output to an AV picture), combines the markup picture and the AV picture, and outputs an interactive picture including the markup picture and the AV picture (see [fig. 1], [fig. 3,4,6], [fig. 12], [col. 6, ll. 10-24] for using a template containing device-aspect-ratio information to output the markup template (picture) and the AV picture).

Nishi does not explicitly teach “transforming” the source markup picture.

Nielsen teaches transforming a markup picture to fit within a display view, with a layout similar to the original, that is of a size other than that of the display view used to construct the original image (see [abstract], [col. 3, ll. 29-50]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to transform a source markup picture, as taught in Nielsen, according to the aspect ratio and the size of the display screen used to display the picture, as taught in Nishi, because using a transformation process allows the

presentation of fixed canvas presentations on display devices of differing sizes (see [col. 1, ll. 9-15], [col. 3, 29-37]).

**Regarding amended claim 3:** Nishi discloses the apparatus of claim 1, wherein the device-aspect-ratio information is information on an aspect ratio of a screen of a target display device intended to display the markup document in the interactive mode (see [col. 1, ll.63-67], [col. 2, ll. 57-63], [col. 6, ll. 10-35] where the aspect ratio is according to the display screen of the user's television set).

**Regarding amended claim 4:** Nishi discloses the apparatus of claim 1, wherein the ENAV engine obtains the device-aspect-ratio information which is information on an aspect ratio of a screen of a target display device intended to display the markup document in the interactive mode (see the rejection of claim 3).

Nishi does not teach wherein the markup document is displayed according to a design of a markup document maker.

Nielsen teaches wherein the markup document is displayed such that a transformation used to either magnify or reduce the canvas preserves the aspect ratio of the fixed canvas such that the page layout is similar to the original (see [abstract], [col. 3, 29-67] for reading on displaying the canvas according to a design of a markup document maker).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to display the canvas (markup document) according to its original design (whereby the original design was derived by a designer), as

taught in Nielsen, when using methods to display a markup document in the most suitable form, as taught in Nishi, because this process allows the presentation of fixed canvas presentations to fit on display devices of differing sizes (see [col. 1, II. 9-15], [col. 3, 29-37]).

**Regarding amended claim 5:** Nishi discloses the apparatus of claim 1, wherein the ENAV engine parses the device-aspect-ratio information which is written in the markup document using a property of a tag (see [fig. 12], [col. 2, II. 57-63], [col. 4, II. 17-20 and II. 51-62], [col. 6, II. 1-35], [col. 9], [col. 11, II. 13-20]).

**Regarding amended claim 6:** Nishi does not explicitly teach wherein the ENAV engine “transforms” the source markup picture into the markup picture with a predetermined aspect ratio according to the device-aspect-ratio information of the markup document.

Nielsen teaches transforming a markup picture with a predetermined aspect ratio to fit within a display view, with a layout similar to the original, that is of a size other than that of the display view used to construct the original image (see [abstract], [col. 3, II. 29-50]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to transform a source markup picture which contains a predetermined aspect ratio, as taught in Nielsen, according to the aspect ratio and the size of the display screen used to display the picture, as taught in Nishi, because using a transformation process allows the presentation of fixed canvas

presentations on display devices of differing sizes in a manner similar to the original image (see [abstract], [col. 1, ll. 9-15], [col. 3, 29-37]).

**Regarding amended claim 7:** Nishi discloses the apparatus of claim 1, wherein the ENAV engine displays the source markup picture as a markup picture with an aspect ratio of 4:3 or 16:9 according to the device-aspect-ratio information of the markup document (see [col. 6, ll. 10-24]).

Nishi does not explicitly teach “transforming” the source markup picture.

Nielsen teaches transforming a markup picture to fit within a display view, with a layout similar to the original, that is of a size other than that of the display view used to construct the original image (see [abstract], [col. 3, ll. 29-50]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to transform a source markup picture, as taught in Nielsen, according to the aspect ratio and the size of the display screen used to display the picture, as taught in Nishi, because using a transformation process allows the presentation of fixed canvas presentations on display devices of differing sizes (see [col. 1, ll. 9-15], [col. 3, 29-37]).

**Regarding amended claim 8:** Nishi does not disclose wherein the ENAV engine scales the source markup picture to output the markup picture corresponding to the device- aspect-ratio information of the markup document in response to information on an aspect ratio of a destination device being different from the device-aspect-ratio information, the destination device substantially displaying the markup document and the device-aspect-ratio information being

data including information on an aspect ratio of a target display device intended to display the markup document in the interactive mode.

Nielsen teaches scaling a markup picture using a transformation mechanism which maps the HTML data stream to fit within a display based on the height and width dimensions and aspect ratio of the html canvas, and comparing the calculated values to the size of the area on the screen accessible for view such that a layout similar to the original, that is of a size other than that of the display view used to construct the original image can be displayed (see [abstract], [col. 3, ll. 29-67], [col. 8, ll. 20-65]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to scale a source markup picture according to the aspect ratio predefined in the markup document using a transformation value “T”, as taught in Nielsen, according to the aspect ratio and the size of the display screen used to display the picture, as taught in Nishi, because using a transformation process to scale a markup document allows the presentation of fixed canvas presentations on display devices of differing sizes in a form similar to the original markup document (see [col. 1, ll. 9-15], [col. 3, 29-37]).

**Regarding claim 9:** Nishi discloses an apparatus for processing a markup document in an interactive mode, comprising: a controller to output a markup picture of the markup document and a video picture of an audio and/or video data in the interactive mode [see [fig. 1 items 42 and 45]).

Nishi does not explicitly teach a markup “transformer” which transforms the markup picture according to device-aspect- ratio information corresponding to the markup document, the device-aspect-ratio information being data including information on an aspect ratio of a target display device intended to display the markup document.

Nielsen teaches a transformer used for transforming a markup picture using a transformation mechanism which maps the HTML data stream to fit within a display based on the height and width dimensions and aspect ratio of the html canvas, and comparing the calculated values to the size of the area on the screen accessible for view such that a layout similar to the original, that is of a size other than that of the display view used to construct the original image can be displayed (see [fig. 2], [abstract], [col. 3, ll. 29-67], [col. 8, ll. 20-65]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to transform a source markup picture according to the aspect ratio predefined in the markup document using a “transformer”, as taught in Nielsen, according to the aspect ratio and the size of the display screen used to display the picture, as taught in Nishi, because using a transformation process to scale a markup document allows the presentation of fixed canvas presentations on display devices of differing sizes in a form similar to the original markup document (see [col. 1, ll. 9-15], [col. 3, 29-37]).

**Regarding claim 11:** Nishi discloses the apparatus of claim 9, wherein the device-aspect-ratio information is included in the markup document (see [fig.

12], [col. 6, ll. 10-35], [col. 8, ll. 31-33] where the device aspect ratio information is included by representative values “N” or “W”).

**Regarding claim 12:** Nishi does not teach wherein the markup transformer scales the markup picture according to the device-aspect-ratio information in response to information.

Nielsen teaches scaling a markup picture using a transformation mechanism which maps the HTML data stream to fit within a display based on the height and width dimensions and aspect ratio of the html canvas, and comparing the calculated values to the size of the area on the screen accessible for view such that a layout similar to the original, that is of a size other than that of the display view used to construct the original image can be displayed (see [abstract], [col. 3, ll. 29-67], [col. 8, ll. 20-65]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to scale a source markup picture according to the aspect ratio predefined in the markup document using a transformation value “T”, as taught in Nielsen, according to the aspect ratio and the size of the display screen used to display the picture, as taught in Nishi, because using a transformation process to scale a markup document allows the presentation of fixed canvas presentations on display devices of differing sizes in a form similar to the original markup document (see [col. 1, ll. 9-15], [col. 3, 29-37]).

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishi in view of Nielsen and Rainville et al. (U.S. Pre- Grant Pub. No. 2002/0069411 A1).

**Regarding claim 10:** Nishi does not disclose the apparatus of claim 9, wherein the controller embeds the video picture in the markup picture according to embedding information of the markup document.

Rainville teaches embedding a video picture in a markup document according to embedding information of the markup picture (see [figs. 2A-4B], [fig. 6], [fig. 7], [fig. 8], [0009], [0043-55]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art that it is possible to embed a video into a markup document, as taught in Rainville, before changing the markup document to fit the display device, as taught in Nishi, because adding embedded video enhances markup documents (web pages) (see [0008]).

### ***Conclusion***

9. Because new grounds of rejections have been made to reject **claims 1 and 3-12**, this Office Action is made **Non-Final**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Thomas whose telephone number is (571) 270-5080. The examiner can normally be reached on Mon. - Thurs., 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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